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## THE N. C. RATE CASE

Referred to House of Representatives

BY CONGRESSMAN THOMAS

State Vindicated Its Right to Enforce Its Laws

The Action of North Carolina, He Said, Makes the Old Question of State Rights One of Great Interest—Political Debate Continued in the House—Payne Directs His Remarks at the Democrats—Subject of the Tariff Discussed in the Senate.

Washington, February 5.—Senator Beveridge, of Indiana, today addressed the senate in advocacy of his bill to create a permanent tariff commission. The senator was accorded a careful hearing by both the republican and democratic sides of the chamber, and also by the crowded galleries.

Senator Beveridge spoke for an hour and a half when he had concluded his remarks Senator Culberson, of Texas, remarked that the senator from Indiana was to be congratulated because in some degree, at least, he had joined the army of tariff revisionists. He said that it had been announced in the newspapers that a decree had been issued on the republican side that the tariff could not even be inquired into at this time.

Mr. Culberson called attention to what he said was the fact that the average tariff in this country is now 45 per cent, that it is greater than the average between the cost of labor here and abroad; that many articles manufactured in the United States are sold at a cheaper price than in this country and that a protective tariff encourages trusts. He asked to have inserted in record an article from a book he exhibited.

Mr. Beveridge asked the name of the book.

"It is the democratic campaign book," replied Mr. Culberson.

"I thought so," responded Mr. Beveridge. He expressed his regret that partisanship should be injected into the debate. "Such tactics," he said, "may be worthy of the senator as a leader of his party, but it is not worthy of any man appearing in the capacity of a statesman in this country. That is precisely the difficulty we must get over. We must get away from injecting politics into every great question here." He said that so far as he was concerned he had always been a tariff reformer, but he had never belonged to the class that would reduce such reform to a partisan basis. England, he said, was about to abandon her tariff for revenue policy for protection and all the great nations had first adopted a tariff system and then a double tariff system involving a maximum and a minimum tariff.

Senator Newlands then discussed the general subject of the tariff, declaring that the law should provide for a gradual reduction of the tariff so that no duty should be over 45 per cent.

Mr. McLaurin declared that the tariff would always be a political question. "The fact," he said, "that we are told the tariff must not be revised before an election is an admission that it is political."

Senator Scott pronounced himself to be a stand patter. He believed the present Dingley tariff had done more for this country in the past ten years than any law ever enacted.

Mr. Stone of Missouri declared that when William Jennings Bryan is elected president and when congress is in control of the democratic party then, and then only would a conservative and genuine revision of the tariff be begun.

The senate then at 4:57 o'clock adjourned.

**HOUSE OF REPRESENTATIVES.**  
The political debate which has been on in the house under the order of general debate on the Indian appropriation bill for several days was resumed today.

Sereno Payne, of New York, the majority leader, directed his remarks to the democrats and remarked that their political speeches were but in pursuance of their course each winter and spring preceding an election, "with renewed exuberance of spirit," he said, "with prophetic sight during this season of the year they carry the next election, inaugurate their candidate and divide up the offices. We hold our elections in November and we will be there next November."

Mr. Payne referred to the address of Mr. Cochran Monday and said

the latter had added to the quadrennial jollification and to the gaiety of the occasion by claiming for the democrats every desirable piece of legislation. He devoted much attention to Mr. Bryan and said that "the peerless leader" was wandering up and down the country accusing Theodore Roosevelt of "grand or petit larceny, in purloining his ideas." He declared that Mr. Bryan has written the last three democratic platforms except the one that Judge Parker amended with his famous telegram.

Mr. Payne declared that Mr. Bryan for four years had been going among the dwellers of the caves of Aboullam hearing every man's complaint and every man's grievance, and, he added, "where there are votes behind the grievance he immediately champions the man's cause and when he comes to write the platform he follows the precedent of the democratic party for the last 50 years in putting into the platform something to try to catch the votes of the unwary voter, not with regard to fixed principles but merely as a bid thrown in. He sometimes hits upon a good thing and puts it in his platform, but, when anybody else with the same means of information and knowledge takes the idea and vivifies it into law and puts it on the statute books, Mr. Bryan places himself among that grand army of men who are going about the country saying, 'I told you so.'"

Mr. Bryan, he said, goes around the country endorsing Roosevelt "for as far as he goes" and then adds, in order to dilute the endorsement, "He is doing just what I would have done, and our friends, the democrats, get excited about it."

Several of the democratic measures introduced at this session were criticised by Mr. Payne, including a number of Mr. Williams' bills, including the one to place lynchtype, wood pulp and white paper on the free list. He enumerated the various kinds of white paper other than for printing purposes, his statements causing Mr. Williams to interject the remark that it was the first time he had discovered that white paper included other "than print paper."

Mr. Payne was followed by Mr. Thomas, of North Carolina, who devoted himself to the subjects of state rights and tariff revision. He said that until recently no one had dared to affirm that the scope of the constitution could be extended by judicial construction beyond its plain meaning and intent or that the general government could exercise power not granted in that instrument. Both President Roosevelt and Secretary Root however, had declared and declared and promulgated doctrines "new and dangerous and foreign to all ideas of the founders of the republic." The doctrines advocated by Mr. Root that the states must surrender more and more of their power to the national government, said Mr. Thomas, was the Pandora's box of evils.

Mr. Thomas said that the president had announced a strange doctrine when he declared in a speech at Harrisburg, Pa., that an inherent power rested in the nation outside of the enumerated powers conferred upon it by the constitution. That doctrine, he declared, was fatal to the American form of government and full of tremendous consequences. In the matter of the issuance of injunctions by federal courts in North Carolina, Alabama and other states in railroad rate cases before a final hearing on the constitutionality of the state law, he said that such action was an unseemly exercise of power by federal courts and created dangerous conflicts. In the recent railroad rate controversy in North Carolina, Mr. Thomas said that his state has indicated its rights to enforce its laws. The action of North Carolina and other states in the south, he said, following the speeches of the president and Secretary Root and coming closely after the California school incident, makes the old question of state rights of great interest, not only to the house but to the whole country.

Mr. Thomas said that he democratic party did not stand for free trade, but rather for revision and reduction of the tariff. He declared that there was no hope along these lines for any action by the republican party.

Mr. Thomas predicted that upon the issue of monopolies and lower tariff, particularly trade relations and the preservation of local self government, democracy would win success. "Either it must win," he said, "or the country will become not a union of states, but a nation with state lines obliterated and in the grasp of special interests."

Mr. Cox of Indiana, expressed belief in the efficiency of imprisonment for wrong doers and said if Rockefeller and Rogers could be indicted these indictments would be followed by conviction and he was satisfied that imprisonment for only one day would do more to correct evils than even the biggest fines.

Mr. Hardy of Texas, referring to Mr. Payne's remarks, said he could scarcely tell whether they were an eulogy of the republican party or a funeral oration for its burial. The democrats, he said, had long since become accustomed to denunciation as demagogues, but he asserted that those who were for the people were always so denounced, "by those who stand for the classes against the masses."

Referring to the president he said, addressing the republicans: "If we praise him you growl; if we criticise him you howl." At first he said the republicans wanted no one but themselves to criticise or even praise him. "We criticise the president," said he, "when we believe him

wrong. We praise him for all we believe him right in and as to those things we have a leader who has taught him and who sheds a steady light where he has tried and floundered."

With an understanding that general debate should continue tomorrow for an hour and a half the house at 4:43 p. m. adjourned.

**PUBLIC PRINTER SUSPENDED.**  
Mr. Stillings Suspended By the President Pending Investigation.

Washington, D. C., February 5.—President Roosevelt today temporarily suspended as public printer Chas. A. Stillings and appointed William S. Rossiter temporarily to fill the duties of the office. The action, as explained officially, is to facilitate the investigation now being made of the government printing office by congress.

Mr. Rossiter now is chief of the census office. Just as the president's action in suspending Mr. Stillings was being announced, a committee of labor leaders of this city called at the white house and presented to the president resolutions adopted by the central labor union here on January 20th last charging Mr. Stillings with violations of the eight hour law in the government printing office.

Resolutions by numerous labor organizations in various cities charging violations of the eight hour law, discrimination against veteran soldiers and the widows of soldiers and violation of the civil service law had been submitted to congress and the president.

Mr. Stillings is from Boston, Mass. and was appointed public printer in 1905. He has been general manager of his father's printing firm in New York and at various times manager of the printers' board of trade of this city, and now of New York.

Mr. Rossiter also came from Massachusetts and had business connections in New York and Washington before assuming office in the census bureau in 1890.

**ALL PEACEFUL IN PORTUGAL.**

The Old Liberal Monarchy to be Restored—Another Upheaval in the Near Future Impossible—The Young Sovereign Has Attractive Personality

Lisbon, February 5.—The announced intention of the new cabinet to put an end to repressions and restore the "old liberal monarchy," which has existed in Portugal for sixty years, has had a soothing and quieting effect on the country. Tranquility is reported from everywhere in the interior, and today Lisbon seems perfectly peaceful.

Troops are less conspicuous on the streets of the city today, and if the day of the funerals passes without incident the present phase of the crisis may be regarded as at an end.

The willingness of Senor Machado, the republican leader, and the republicans generally, to acquiesce in the present situation if their friends are released seems to ensure a return to less strenuous modes of political warfare. Another upheaval in the near future is considered practically impossible.

Intense interest is shown in Franco's whereabouts. He remains in seclusion seemingly crushed in spirit and he declines to see correspondents to offer a defense for his policy. His elimination is regretted by the commercial classes and foreign elements who are convinced that his sole object was the good of the country.

The young king himself believed in Franco. The day after the tragedy, he said:

"I intend to retain Franco. He was my father's friend and shall be mine." It is well known, however, that the dowager queen has always been hostile to the former premier, and latterly Queen Amelia shared the view that the dictatorship had been carried too far. She is said to have remonstrated with him that it might end in a tragedy and invoked him in behalf of a milder course in memory of what her own family had suffered in France.

The young sovereign's personality is described by those who know him as very winning.

As a lad he displayed fine manly traits. He had considerable artistic talent especially for music, and like his father was exceedingly fond of outdoor sports. He was reared with great care by the devoted queen, who took the warmest interest in the education of the prince, both of whom spoke English, French, Spanish and Italian perfectly.

The King's English tutor sings the praises of the king and his dead brother. "They were ideal young men," he said, and then told an anecdote illustrative of the king's gentle nature. As the prince he had always spoken of the queen as "Her Majesty." One day, however, he used the term "Mother," then he turned to the tutor and said: "I think I like the word 'Mother' best. I read last night that the queen was lost in the wife, the wife in the mother."

King Manuel is especially fond of America and Americans.

Preparations for the funerals of the dead king and the Crown Prince on Saturday are rapidly nearing completion. The ceremonies will begin at 10 o'clock in the morning.

Never Out, Never Over—Bijou.

## GRANTED DIVORCE

Marriage of Countess of Yarmouth Annulled

SISTER OF HARRY THAW

Case Was Practically Undefended

By the Earl

Hearing Lasted Only Half an Hour—Only Four Witnesses Were Examined—Judge Pronounced His Decree Without Comment—No Mention Made of a Marriage Settlement—Thaw's Trial Was Cause For No Contest Being Made.

London, February 5.—Sir Birrell Barnes, president of the divorce court, today granted the countess of Yarmouth, who was Miss Alice Thaw of Pittsburg, a decree nullifying her marriage to the earl of Yarmouth.

The case was heard in private. At the time fixed for the commencement of the proceedings every one not actually engaged on the case was excluded from the court room. The case was practically undefended, and the hearing lasted for only half an hour. The countess, attired in a fashionable black gown, was present, but the earl of Yarmouth was not in court.

Only four witnesses were examined. They were the countess of Yarmouth herself, her maid, a doctor appointed by the court, and an American lawyer who proved the marriage. The countess gave evidence in support of her allegation that the marriage had never been consummated and the maid testified that the earl and countess had not been living as man and wife. According to the evidence of the doctor, the earl of Yarmouth was capable of consummating the marriage, but counsel for the plaintiff contended that this did not affect the allegation that the marriage had not been consummated and he pointed out to the judge that it was within the discretion of the court to annul the marriage if it was proved that it had not been consummated.

The earl's lawyer satisfied himself with pointing out that the evidence of the doctor removed any stigma placed upon the earl by the evidence of the plaintiff, and that there were no grounds upon which the countess could have sued for divorce.

The judge pronounced his decree annulling the marriage without comment.

In the ordinary course of events it will be made absolute in six months.

No mention was made of the marriage settlement, and it was learned from an authoritative source that contrary to certain published statements the question of revising the settlement has not been discussed.

The change from the previous determination of the Yarmouths, to contest the case is said to have been influenced by the evidence given recently in New York at the trial of Harry Kendall Thaw, brother of the countess for the murder of Stanford White, with regard to insanity in the Thaw family, as well as the verdict of the jury that Harry Thaw was insane when he committed the crime.

It has been well known for two years past that the domestic affairs of the Yarmouths were unhappy. The earl's companions and his manner of living, it is said, were such that he could not give his wife the place in society which she had a right to expect. She supplied large sums of money to defray her husband's extravagances, and her friends said that she has conducted herself with dignity throughout her troubles.

The fact that the countess had decided definitely to seek an annulment of her marriage was made known here January 3, when she applied to the divorce court for a decree.

The Hertford family, the head of which is the Marquis of Hertford, whose heir the Earl of Yarmouth is, is one of the oldest and proudest of the British nobility. The Marchioness of Hertford stood by her daughter-in-law throughout her troubles, and exerted herself to reconcile the couple, but in vain.

Alice Cornelia Thaw, daughter of the late William Thaw of Pittsburg, was married to George Francis Alexander Seymour, earl of Yarmouth, at Calvary church, Pittsburg, April 27, 1903. The marriage followed a rather brief courtship and stopped the earl's stage career, which had begun in private society theatricals at Newport.

The wedding of the earl of Yarmouth and Miss Thaw was a notable happening in Pittsburg. Mrs. Geo. Lauder Carnegie was matron of honor, and Lord Edward Seymour, brother of the bridegroom, was best man. A number of the earl's relatives came over for the ceremony.

## MORSE'S ASSETS ATTACHED.

Action of Receiver of National Bank of North America—Mr. Morse's Whereabouts Not Known.

New York, February 5.—Following the institution of an action in the supreme court today against Charles W. Morse, the banker, by Charles A. Hanna, of the United States bank examiner to recover \$243,321.21, the balance due on certain promissory notes given by Mr. Morse to the National Bank of North America in September and October last, and the announcement that a judgment by default for \$155,753.06 was entered today in the county clerk's office against Morse in favor of Robert A. C. Smith, Mr. Hanna, who is receiver for the National Bank of North America tonight made the following statement:

"The receiver was informed late Tuesday evening that Mr. Charles W. Morse had probably gone to Europe or departed elsewhere from New York, earlier in the day, to be gone for an indefinite period. This information being confirmed by those in charge of the Morse residence, the receiver took measures this morning to attach such of Mr. Morse's assets in New York as he was able to locate. A writ of attachment was obtained and served upon a number of banks and bankers in the downtown district and a 'lis pendens' was filed upon Mr. Morse's Fifth avenue residence."

Charles W. Morse organizer of the America Ice Company and of the Consolidated Steamship company, could not be seen tonight regarding the court's actions instituted against him today. He was not at his downtown house here, it was said and it could not be learned that he was either in Boston or at his home at Bath, Maine.

Morse whose wide embracing operations in the business world had made him one of the most prominent financial men, has been seriously involved recently consequent upon the money stress and banking troubles.

Author Braun, private secretary to Mr. Morse said tonight he had not seen Mr. Morse since one day last week.

Troubles have been piling thick and fast on Morse ever since last October. He was involved in the unsuccessful corner in United States Copper engineered by F. Augustus Heinz which marked the beginning of the panic. When the corner went to pieces and United Copper stock came crashing down it was reported that Mr. Morse had sold out the other members of the pool and had caused the slump. As the stock and bonds of the Consolidated Steamship company—the latest and greatest Morse undertaking—also declined with sensational rapidity when the corner failed, it is a question just what part the Morse transactions played in the affair. The failures of Otto Heinz and company and of Gross and Klobberg were soon announced.

Then followed in quick succession the resignations of Morse from all the banking institutions with which he was connected the failure of Knickerbocker Trust Company, the closing of the Hamilton Bank and half a score of small Brooklyn and Harlem institutions, the forced withdrawal of Edward R. Thomas and Orlando F. Thomas from the local banking field, the suicide of Charles T. Barney and the spread of the panic all over the United States and the civilized world.

On October 29th at the beginning of the panic, Mr. Morse mortgaged his Fifth avenue house for \$350,000 to John F. Berwind. The property carried a prior mortgage for \$150,000.

With the subsidence of the panic the weakness of the so-called Morse Loans became apparent and this culminated recently in the suspension of the National Bank of North America and the New Amsterdam National Bank which were looked upon as the two most important Morse institutions. Then followed the receivership for the Consolidated Steamship company and several of its subsidiary companies.

## FOR STATE FORESTER

On Recommendation of Forester Pinchot W. W. Ashe is Chosen.

(Special to The Messenger.)  
Raleigh, N. C., February 5.—The state geological board elects William W. Ashe, son of Captain Samuel A. Ashe, of Raleigh, forester and he comes March 1st to take charge of that work in North Carolina.

The board asked Head Forester Gifford Pinchot, of the United States agricultural department, to recommend a man for the place.

He named Ashe, who accepts the new position. He will be retained on the United States civil service list so he can return to his duties at Washington at any time. The United States agricultural department says it will do anything possible to aid this state in forestry.

## The Fields Brothers Acquitted.

(Special to The Messenger.)  
Raleigh, N. C., February 5.—The Fields brothers accused of railway mail robbery were acquitted this afternoon.

Never Out, Never Over—Bijou.

## SPENDS BUSY DAY

Bryan Has Strenuous Time in New York

SILVER IS NOT AN ISSUE

The Candidate So Declared in an Interview Yesterday

Racial Achievements of the Hebrews Lauded by Mr. Bryan in a Speech Before Hebrew Association—Was Guest of Honor at Reception Tendered By Mrs. S. Coler—Today Will Make Speeches in Jersey City, Passaic and Newark.

New York, N. Y., February 5.—William Jennings Bryan's stay in New York today was a strenuous one. After a morning interview with the newspaper men he hurried to Brooklyn, where he was tendered a reception by Bird Coler, president of the Borough, and made a speech in which he declared the democratic party presented a united front and was now in position to fight the divided enemy; then he made a long trip to Harlem where he addressed a meeting of the Young Men's Hebrew Association. Tonight he was the principal speaker and guest at the dinner of the Economic Club at the Hotel Astor.

His itinerary tomorrow includes a meeting and reception in Jersey City after which he will speak in Passaic, and will speak in Newark at night.

Six hundred auditors gave Mr. Bryan an enthusiastic welcome at the meeting of the Young Men's Hebrew Association, where he lauded the racial achievements of the Hebrews. Mr. Bryan said:

"I am not complimenting you when I say that history affords us no higher type of men than the Hebrews, both for their influence upon human destiny and upon the thought of the world. Go where you will you will find that the Hebrews have won the highest distinction in all that concerns business in every great enterprise. In the business of banking he is pre-eminent above every other race. I think there is less of pauperism, less of crime among Hebrews. I think it can be said deservedly of that race you represent, that the highest walks, intellectual and political your people have proven their capacity."

In the course of an interview this morning Mr. Bryan was asked whether his speech at Carnegie Hall last night was intended to include an intimation that free coinage of silver was still a public issue. Mr. Bryan replied:

"No; free silver is not an issue. What I said last night had no connection with the silver question. I simply referred to it to show the change that had taken place in the arguments that are being made at the present. The silver question was an issue in 1896 because prices were falling and there was no other relief in sight. Since gold production has materially increased prices are rising—or were until the recent panic—and will again, as soon as normal conditions are restored. The silver question, therefore, will not be an issue."

Mr. Bryan spoke on currency needs at the dinner of the Economic Club tonight which was attended by over seven hundred diners including many New York bankers. Mr. Bryan declared that there was no need to extend the note issue of the banks as an emergency currency. Mr. Bryan said:

"If I were discussing the Aldrich bill I would criticise a number of its provisions, and if I were discussing the Fowler bill I would dissent with its provisions, but the point I desire to make is this: That we do not need to extend the note issue of the banks. The government can meet the need simply and quickly, and I believe provision should be made for the issue by the government of the United States notes like our greenbacks, in form and redemption, and these United States notes should be loaned by the government upon sufficient securities and at a rate of interest which will compel the retirement of the notes when the emergency is over."

"I am opposed to any increase in the banks control over the currency of the nation. If those who desire an elastic currency are willing to have the elasticity controlled by the government and the notes issued by the government, there will be no difficulty in agreeing about security."

"Let the right of the government to issue be granted and then we can easily agree upon security and it might be well to combine several of the suggestions that have been made."

Never Out, Never Over—Bijou.